

13 CIV 3669

JUDGE COTE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RIVER LIGHT V, L.P. and  
TORY BURCH LLC,

Plaintiffs,

vs

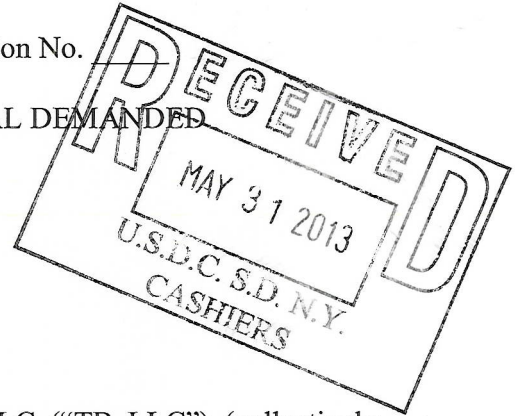
LIN & J INTERNATIONAL, INC.,  
LANI KIM, and YOUNGRAN KIM

Defendants.

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Civil Action No.

JURY TRIAL DEMANDED






**ORIGINAL COMPLAINT**

River Light V, L.P. (“River Light”) and Tory Burch LLC (“TB LLC”) (collectively “Tory Burch”) for their claims against Defendants, Lin & J International, Inc. (“Lin & J”), Lani Kim, and Youngran Kim (collectively, “Defendants”), respectfully allege as follows:

**NATURE OF ACTION**

1. This is an action at law and in equity for trademark counterfeiting, trademark infringement, trademark dilution, copyright infringement, and unfair competition arising from Defendants’ unauthorized use of Tory Burch’s federally registered trademarks and copyrighted works.

2. Tory Burch is the exclusive owner of all the trademark rights in and to the distinctive logo shown here,  (the “TT Logo”), and variations thereof, including the designs shown here,  and  (collectively, the “TT Designs”) for various goods, including jewelry and accessories.

3. Tory Burch also owns a valid and subsisting copyright registration for the TT Logo (U.S. Reg. No. VA 1-768-387) (the “TT Copyright”).

4. Tory Burch, together with its authorized licensees, offers for sale high quality women’s jewelry, clothing, handbags, accessories, eyewear, footwear, and related products at over seventy TORY BURCH retail boutiques, select high-end specialty stores and department stores, and online at toryburch.com. The TT Designs appear on virtually all of Tory Burch’s products. The TT Designs are closely and uniquely associated with the TORY BURCH brand and have come to symbolize the high quality that consumers can expect from Tory Burch as the source of such products. Accordingly, Tory Burch enjoys strong consumer loyalty, recognition, and goodwill in its TT Designs.

5. Tory Burch’s claims in the present action arise from Defendants’ unauthorized manufacture, production, distribution, advertisement, promotion, marketing, offering for sale, and/or sale of earrings, necklaces, pendants, cuffs, bangles, and bracelets bearing unauthorized reproductions of Tory Burch’s famous TT Designs (the “Counterfeit Jewelry”). Upon information and belief, Lin & J is one of the largest wholesalers of Counterfeit Jewelry in the United States. Defendants sell Counterfeit Jewelry directly to the consuming public, as well as in large quantities to other retailers and wholesalers, who in turn sell such Counterfeit Jewelry directly to other retailers or the consuming public.

6. Defendants are not connected or affiliated with Tory Burch in any way, nor do they have permission from Tory Burch to use any of the TT Designs or any other intellectual property belonging to Tory Burch. Rather, Defendants are blatantly exploiting the TT Designs for their own commercial gain, intending to confuse and deceive the public by drawing on Tory Burch’s goodwill in the marketplace. By offering for sale the Counterfeit Jewelry, Defendants

intend to, and are likely to, cause confusion and to deceive consumers and the public regarding the source of Defendants' merchandise, all to the detriment of Tory Burch.

### **JURISDICTION AND VENUE**

7. Tory Burch files this action against Defendants for trademark counterfeiting, trademark infringement, and trademark dilution under the Lanham Trademark Act of 1946, 15 U.S.C. §1051 *et seq.* (the "Lanham Act"), as well as copyright infringement under 17 U.S.C. § 101, *et seq.*, and related claims of unfair competition under the statutory and common law of the State of New York. This Court has subject matter jurisdiction over the trademark and copyright infringement claims under 28 U.S.C. §§1331 and 1338(a).

8. This Court has supplemental jurisdiction over the state law claims in this Complaint which arise under state statutory and common law pursuant to 28 U.S.C. § 1367(a), since the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts.

9. This Court has personal jurisdiction over Defendants because Defendants reside in, are incorporated in and/or are domiciled in this judicial district.

10. Venue is proper in this district pursuant to 28 U.S.C. §1391 because the claims asserted arose in this district and Defendants reside in, are incorporated in and/or are domiciled in this judicial district. Venue is further proper pursuant to 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to the claims stated herein occurred in this district.

### **THE PARTIES**

11. River Light is a subsidiary of TB LLC, and is organized and existing under the laws of the State of Delaware, having its principal place of business at 11 West 19th Street, 7th

Floor, New York, New York 10011. River Light is the record owner of the intellectual property, including the TT Designs and TT Copyright, at issue in the instant action and licenses such trademarks and copyright exclusively to its affiliate TB LLC in the United States for use and sub-licensing in connection with TB LLC's business.

12. TB LLC is a limited liability corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 11 West 19th Street, 7th Floor, New York, New York 10011.

13. Upon information and belief, Defendant Lin & J International, Inc. is a domestic entity located at 39 West 29th Street, 9th Floor, New York, New York 10001. Defendant may be served through its co-owner, co-operator and co-managing agent, Lani Kim, at 39 West 29th Street, 9th Floor, New York, New York 10001.

14. Upon information and belief, Defendant Lani Kim is an individual residing in New York, New York, and is the co-owner, co-operator and co-managing agent of Lin & J International, Inc. Defendant Lani Kim may be served at 39 West 29th Street, 9th Floor, New York, New York 10001.


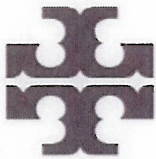
15. Upon information and belief, Defendant Youngran Kim is an individual residing in New York, New York, and is the co-owner, co-operator and co-managing agent of Lin & J International, Inc. Defendant Youngran Kim may be served at 39 W. 29th Street, 9th Floor, New York, New York 10001.



**ALLEGATIONS COMMON TO ALL CAUSES OF ACTION*****The Tory Burch Brand and its Designs***

16. Launched in 2004, Tory Burch, together with its authorized licensees, designs, markets, and sells high-quality women's jewelry, clothing, handbags, accessories, eyewear, footwear, and related products under the TORY BURCH brand and the TT Designs.

17. Tory Burch is the owner of the entire right, title and interest in and to the TT Designs, and owns various trademark registrations and applications for the TT Designs for a variety of goods and services, including, but not limited to, the following U.S. trademark registration, and application, for jewelry:

Registration/Serial No.	Depiction of Mark
U.S. Reg. No. 3,029,795	
U.S. Serial No. 85/716,924	

18. The foregoing registration for the TT Logo is valid, subsisting, and in full force and effect.

19. Additionally, Tory Burch has common law trademark rights in the TT Designs for use in connection with jewelry, footwear, handbags, eyewear, apparel, and other goods as well as retail store services, including on-line retail store services.

20. Tory Burch began selling jewelry bearing the TT Logo at least as early as 2004, and other variations of the TT Designs at least as early as 2010 (“Tory Burch Jewelry”). Tory Burch Jewelry is distributed through a carefully controlled network of authorized retailers, including high-end department stores, select quality boutiques, as well as more than seventy TORY BURCH retail boutiques and Tory Burch’s Internet web store located at [www.toryburch.com](http://www.toryburch.com).

21. Tory Burch maintains strict quality control standards for all Tory Burch Jewelry.

22. Each year Tory Burch spends substantial resources in marketing and promoting the TT Designs and Tory Burch Jewelry, and sells hundreds of millions of dollars of goods bearing the TT Designs, including millions of dollars of sales of Tory Burch Jewelry.

23. As a result of Tory Burch’s exclusive and extensive use and promotion of the TT Designs for many years, the marks have acquired enormous value and recognition in the United States and elsewhere throughout the world, all of which inures to the benefit of Tory Burch. Consumers, potential customers and other members of the public not only associate the TT Designs with exceptional materials, style and workmanship approved by Tory Burch, but also recognize that merchandise bearing the TT Designs originates exclusively with Tory Burch. Accordingly, the TT Designs are symbols of Tory Burch’s quality, reputation, and goodwill and serve as instant source identifiers for Tory Burch’s products.